



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BRISCOE et al.

Atty. Ref.: 36-1384

Serial No. 09/674,706

Group: 3624

Filed: November 6, 2000

Examiner: Colbert, E.

For: COMMUNICATIONS NETWORK

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November 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION/RESPONSE

In response to the Restriction Requirement mailed September 29, 2005, Applicant elects Group I (Claims 1, 4-25, 30, 32, 33 and 39-45) with traverse.

Section 6 (page 3) of the Office Action alleges that “Group I the combination has separate utility such as measuring the customer terminals usage, calculating a network usage charge, sampling the usage of the network resources, measuring a portion of the usage, comparing the measurement and Group II has measuring each terminals amount of network resources, calculating a charge for each terminal, performing sampling to check the validity of the measurement.”

Similar to the alleged “separate” utility of Group II, claim 1 (for example) of Group I requires: a) measuring at each of a plurality of customer terminals usage by the respective customer terminal of network resources; b) subsequently calculating a network usage charge

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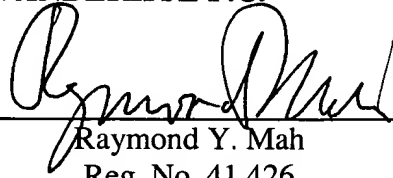
from the measurement data generated by step (a); and c) sampling usage of the network resources by at least one of the customer terminals by performing....”

Accordingly, Applicant respectfully requests that claim 46 be examined along with the claims of Group I. A prompt Office Action on the merits is respectfully solicited.

Respectfully submitted,

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